

IV. And likewise it is further enacted by the Authority aforesaid, That if any person or persons which now hath, or hereafter shall have any Rents or Fee-farms for term of Life or Lives, of any other person or persons, and the said Rent or Fee-farm now be, or hereafter shall be due and behind, and unpaid in the Life of such person or persons for whose Life or Lives the Estate of the said Rent, or Fee-farm did depend or continue, and after the said person or persons do die; then he *unto whom the said Rent or Fee-farm was due in form **358** aforesaid, his Executors or Administrators shall and may have an Action of Debt against the Tenant in Demesn, that ought to have paid the same when it was first due, his Executors and Administrators, (2) and also distrain for the same Arrearages upon such Lands and Tenements, out of the which the said Rents or Fee-farms were issuing, and payable, (3) in such like manner and form as he ought or might have done, if such person or persons by whose Death the aforesaid Estate in the said Rents and Fee-farms was determined and expired, had been in full life, and not dead; and the Avowry for the taking of the same Distress to be made in manner and form aforesaid.

I. Vaughan, 39. 2 Roll. 370, 382, 457. 1 Leon. 302. Cro. El. 805. Cro. Car. 471.

II. Redemption Money paid in *Wales* and the *Marches*, 2 Leon. 33. Vaugh. 415.

III. The Husband's Remedy for Rent due in the Right, and in the Life of his Wife. Co. pl. f. 119. Vaugh. 38. 4 Co. 51. Co. Litt. 351 b. Goldsb. 30, pl. 1.

IV. The Remedy for a Rent, the Estate whereof dependeth upon another's Life being dead. 1 Anders. 47. 3 Leon. 59. 5 Co. 118. 7 Co. 39. 2 Leon. 153.

I. **Scope of Statute.**—"When Littleton wrote," says Lord Coke, Co. Litt. 162 a, "the heirs, executors, or administrators, of a man seised of a rent service, rent charge, rent secke, or fee farme, in fee simple or fee taile, had no remedy for the arrearages incurred in the life of the owner of such rents. But now a double remedy is given to the executors or administrators for payment of debts, &c. viz. either to distraine or have an action of debt" by this Statute. The reason that the executor could not maintain an action at common law was, that he did not represent the testator in contracts relating to the inheritance: and the reason that the heir was in the like predicament was, that he was a stranger to all personal contracts of the ancestor. The action of debt under this Statute, it appears, is local, and therefore must be brought in the county where the land lies, Bull N. P. 177. By the Act of 1798, ch. 101, sub-ch. 8, sec. 5, Code, Art. 93, sec. 105, executors and administrators have full power to commence and prosecute